

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3098 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAVAL SURESH RAMANLAL

Versus

CHANCELLOR

Appearance:

MR DP GUPTA for Petitioner

MR UDAYAN VYAS for Respondent No. 1

SMT SIDDHI TALATI for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/10/97

ORAL JUDGEMENT

Heard learned counsel for the parties.

2. Challenge has been made by the petitioner to the order of respondent No.1 dated 31st March 1993, annexure 'A', under which he has been informed that his services will be terminated from 30th June 1993.

3. This Court has protected the petitioner and for all these years the stay order is operating. The petitioner was appointed as Civil Engineering Draftsman Instructor in the Industrial Training Institute run by respondent No.1 and there is no dispute that it received 100% grant from the Government. The services of the petitioner were sought to be terminated on the ground that he became surplus for want of requisite number of students in the subject concerned.

4. The learned counsel for the petitioner raised manifold contentions but it is not necessary to advert to all the contentions as I have decided yesterday in number of matters of identical nature in which directions have been given to the State Government to consider the case of petitioners therein for their absorption on the same post in some other institution where such posts are lying vacant. However, in case the post is not available in any of the other institutions, then certainly the petitioner has no case. In the same lines, this Special Civil Application is disposed of in terms that the respondent No.3 is directed to consider the case of petitioner for absorption on the post of Engineering Draftsman Instructor if such post is lying vacant in any other institution. This exercise has to be undertaken and completed within a period of three months from the date of receipt of writ of this order. In case the petitioner cannot be absorbed elsewhere then a reasoned order may be passed and a copy of the same may be sent to the petitioner. Liberty to the petitioner for revival of Special Civil Application in case of difficulty. Rule and Special Civil Application stand disposed of in aforesaid terms. No order as to costs.

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(sunil)